

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMIMON INC. and AMIMON LTD,

Plaintiffs,

v.

SHENZHEN HOLLYLAND TECH CO.
LTD and EC PRO VIDEO SYSTEMS INC.,

Defendants.

Civil Action No. 1:20-cv-09170-ER

**PLAINTIFFS' NOTICE OF MOTION FOR
SANCTIONS PURSUANT TO FED. R. CIV.
P. 37(b)(2)(A) AND FOR AN AWARD OF
EXPENSES PURSUANT TO FED. R. CIV.
P. 37(b)(2)(C)**

PLEASE TAKE NOTICE that upon the Memorandum of Law in support of Plaintiffs' Motion for Sanctions, Plaintiffs, Amimon Inc., and Amimon LTD (collectively, "Amimon" or "Plaintiffs"), by and through their undersigned counsel, respectfully move this Court for an Order granting their Motion for Sanctions to be imposed against Defendants, Shenzhen Hollyland Tech Co., Ltd.'s ("Hollyland") and EC Pro Video Systems Inc.'s ("EC Pro") (collectively, the "Defendants"), pursuant to Fed. R. Civ. P. 37(b)(2)(A) and 37(b)(2)(C) and in accordance with the Court's grant of leave to file this Motion on November 16, 2023. Please take further notice that Amimon requests the ability to file and serve reply papers with respect to this Motion. Amimon, through this Motion, seeks sanctions against Defendants as a result of their repeated and flagrant failures to comply with the Court's Orders compelling them to provide complete answers and all documents responsive to Amimon's discovery requests, and states as follows:

First, pursuant to Fed. R. Civ. P. 37(b)(2)(C), Amimon is entitled to recover its incurred expenses, including its costs and attorney's fees, caused by Defendants' failures. Specifically, Amimon seeks expenses associated with its efforts to obtain Defendants' compliance with the

Court's order, including fees incurred preparing for and attending meetings between counsel related to these discovery disputes, preparing letters filed in this action directed to these discovery disputes, preparing for and attending Court conferences which were substantially related to these discovery disputes (in addition to travel costs associated therewith), and associated with briefing (and attending any hearing on) this Motion.

Second, pursuant to Fed. R. Civ. P. 37(b)(2)(A)(i), Amimon seeks an Order that certain facts be deemed established due to Defendants' repeated failures to comply with the Court's Orders. Because of Defendants' refusal to provide information responsive to Amimon's requests including but not limited to communications, marketing, research, development and design to integrate Amimon Chipsets and Source Code into Defendants' products, Amimon requests the following facts be established for purposes of this action: (a) Hollyland acquired Amimon's trade secret information through knowingly improper means; (b) Defendants used Amimon's trade secret information knowing it was acquired through improper means; (c) Defendants knowingly used Amimon's trade secret information for the purpose of securing a competitive advantage, to gain economic value from that information, and to directly and unfairly compete with Amimon; and (d) Defendants used Amimon's trade secret information to design, manufacture, and service products containing and/or derived from such trade secret information.

WHEREFORE, for the reasons stated above and as set forth in Amimon's accompanying papers, Amimon respectfully requests the Court enter an Order imposing the requested sanctions pursuant to Fed. R. Civ. P. 37(b)(2)(A)(i) and 37(b)(2)(C). Amimon respectfully requests that this Court schedule a hearing on this Motion, as oral argument is likely to assist the Court in its resolution of the matters raised herein.

Dated: December 29, 2023

Respectfully submitted,

/s/ Karl T. Fisher

David M. Magee (*pro hac vice*)

Karl T. Fisher (*pro hac vice*)

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ATTORNEYS FOR PLAINTIFFS

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record have consented to electronic service and are accordingly being served via e-mail on this 29th day of December, 2023, with a copy of this document.

/s/ Karl T. Fisher
Karl T. Fisher